IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 23042 of 2004

Between:

1 G. Yadagiri Reddy, S/o. Narasimha Reddy,
R/o. Kodavaturu Village, Bachannapet Mandal, Warangal District.
2 Laxminarayana, S/o. Siddaiah,
R/o. Kodavaturu Village, Bachannapet Mandal, Warangal District.

..... PETITIONERS

AND

1 The Chief General Manager, Projects & RAC, Northern Power Distribution Company,
A.P. Ltd. Warangal.
2 The Superintending Engineer (Operations) N.P.D.C.L., Warangal.
3 The District Collector, Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other Writ, Order or direction, directing, direct the Respondents to carry out the work of errection of 33/11 K.V. Sub Station at Kodavaturu Village, Bachannapet Mandal, Warangal District, as per the Letter of the 1st respondent vide Letter No. CGM (P&R)/NPDCL/WGL/F.APDRP (WGL-5)/ 2003-04/D.No. 1095/03, dated 14-10-2003 and agreement dated 18-11-2003 and be pleased to pass such other and further order or orders.

Counsel for the Petitioner: MR.R.NARASIMHA REDDY

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for Respondents 1 and 2: Smt. M. Vinobha Devi

The Court at the stage of admission made the following :

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ORAL ORDER:.

Heard both sides.

2. This Writ Petition is filed seeking a direction to the respondents, to carry out the work of errection of 33/11 K.V. Sub-Station at Kodavatur Village, Bachannapet Mandal, Warangal District, as per the letter dated 14.10.2003 and agreement dated 18.11.2003.

3. Facts in brief are that there was a scheme introduced by the Central Government way back in 2002 to erect electric sub-station at three places in order to meet the problem of fluctuations and one such place was selected at Banda Nagaram (Kodavatur) in Warangal District.

4. It is alleged by the petitioners that they purchased the land and gave it to the respondents for erection of electric sub-station. Similarly, villagers of Banda Nagaram also collected some money and purchased the land and gave to the respondents for the same purpose. After conducting the necessary enquiry, Kodavatur was selected as one of the places for erecting sub-station.

5. Now the allegation of the petitioners is that the respondents, instead of installing the electric sub-station at Kodavatur, which was originally selected, are seeking to install the same at Banda Nagaram. It is asserted by the learned Counsel appearing for the petitioners that it is a clearly motivated move by the respondents, which resulted in shifting of electric sub-station from one place to other. Hence the Writ Petition.

6. Heard both sides. Records have been produced by the learned counsel appearing for the respondents and I have gone through the same.

7. As already mentioned, the scheme was introduced in the year 2002 in order to meet certain contingencies and places were selected to erect electric sub-

stations in Warangal District and a notification was also issued in this regard. On a perusal of the notification, it is seen that Banda Nagaram (Kodavatur) was identified as one of the places for installation of an electric sub-station. It is rather indiscernable as to how both Banda Nagaram (Kodavatur) were notified and identified in the notification. But, it is to be seen that the distance between these two villages is at about 3 k.ms. Subsequently, it appears that the people of Kodavatur Village made a representation, dated 30.7.2004, to the Government to install electric sub-station at Kodavatur. Having taken into account the representation made by the villagers, the place for installation of electric sub-station was identified, as "Banda Nagaram (Kodavatur)". Perhaps, this village Banda Nagaram identified along with Kodavatur, may be, because of close proximity of two villagers with each other.

8. Now, it is not in dispute that the installation of sub-station is being taken up precisely in between two villages i.e., at a distance of ½ k.m to both the villages. Therefore, I do not really see any prejudice that is likely to be caused to either of these two villagers.

9. It is for the Government and the sanctioning authority to choose the place, basing on the opinion of the technical experts. It is needles to say that the feasibilities and possibilities to erect electric sub-station at a particular point and at a particular place, is always and should always be based on technical expertise. In the present case, the same, precisely, not happened. Though there appears to be a change in the stand of the policy-making functionaries, in my considered view, the same *prima facie* appears to be not real, but artificial and superficial.

10. There is no vested right in the villagers to have the sub-station at a particular village. On a perusal of the file placed before this court, I could see the pragmatic approach of the respondents.

11. Further, it is to be seen that the petitioners are villagers of Kodavatur and among one is identified as former Sarpanch of that village. Therefore, the *locus standi* of the petitioners to file this present Writ Petition is highly a debatable issue. There is no apparent authorization by the villagers, and the villagers should always be represented by a statutory body like panchayat. It is only the panchayat or any other local body that could ventilate the grievances of the villagers or espouse the cause of the village, but the petitioners do not have any such authorization by the panchayat to espouse the present cause. Therefore, on the issue of maintainability

of the Writ Petition, it is held that the petitioners have no *locus standi* to file the present writ petition.

12. In view of the above, I do not find any merit in the Writ Petition and accordingly, the same is dismissed. No costs.

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DATED 16.03.3005 D.S.R. VARMA, J

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To

1 The Chief General Manager, Projects & RAC, Northern Power Distribution Company,
A.P. Ltd. Warangal.
2 The Superintending Engineer (Operations) N.P.D.C.L., Warangal.
3 The District Collector, Warangal, Warangal District.

4. 2 CCs to G.P. for Revenue , High Court of A.P., Hyderabad. (OUT)

5. 2 CD Copies.